THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.1155 OF 2007

DATED: 26-06-2007

BETWEEN

P. Joseph Kiran Kumar,
S/o. Philip, Occ: Un-employed,
R/o. H.No.49, Lal Bazar,
Tirumalgherry, Secunderabad
and others.

...PETITIONERS

AND

The Principal Secretary,
Department of Home,
Government of Andhra Pradesh,
Secretariat, Hyderabad and two
others.

...RESPONDENTS

ORDER:

Petitioners seek a Writ of Mandamus to declare the action of the respondents in not taking appropriate action against the persons, who allegedly duped and extracted huge amounts from them under the guise of sending them abroad for jobs by promising to get non IT work permits/visas as illegal and arbitrary.

2. Heard the learned counsel for the petitioners as well as the learned Government Pleader for Home appearing for the respondents.

3. Counter and status report have been filed stating that the petitioners have lodged a joint petition before the respondent police making certain

allegations against P. Satish Naidu, Priya, Shilpa and Raju stating that they have jointly opened a consultancy and induced them and several others with false promise to send them to other countries by providing visas but they failed to provide visas or return their amounts thereby cheated them. Based on the said complaint a case in Cr.No.5 of 2007 under Section 420 of the Indian Penal Code, 1860 was registered on 05.01.2007 by the Station House Officer, Gopalapuram Police Station, Secunderabad. It is further stated that one Mr. Rachapal Singh, also lodged a private complaint against the aforesaid persons alleging that they have cheated him to a tune of Rs.6,37,000/- by promising to provide visas and job in countries like New Zealand, South Africa, United Kingdom and Australia etc.

Based on the said private complaint received from the X Additional Chief Metropolitan Magistrate, Secunderabad, a case in Cr.No.48 of 2007 was registered under Section 420 IPC.

4. The respondents further state in the status report that insofar as Cr.No.5 of 2007, A1 – P. Satish, was arrested on 14.02.2007 in both crimes and he was sent to Chenchalguda Jail. It is stated that

A2 - Priya is the wife and A3 – Shilpa is the daughter-in-law of A1 and that they are absconding since the commission of offence. It is stated that steps are being taken to arrest to A2 to A4 in both crimes.

5. This Court not being satisfied with the counter and the status report dated 02.04.2007 filed by the Inspector of Police, Gopalapuram Police Station, with regard to steps taken by him to arrest

A2 to A4, made the following order on 08.06.2007:

> "Perused the status report filed by the Inspector of Police, Gopalapuram.
>
> A4 was arrested on 31.03.2007 only after calling for the Status report, dated 02.04.2007. It is stated that A2 wife of A1 and A3 daughter-in-law of A1 are absconding since the commission of the offence. When A1 and A4 were arrested, the police ought to have taken some clue or information from them and ought to have taken

appropriate steps to arrest A2 and A3 also. But, it is not explained about the steps taken by the police for the arrest of A2 and A3.

Having regard to the facts of the case, the third respondent is directed to file another report about the steps taken by him from 02.04.2007 till date to trace out A2 and A3 and to complete the investigation.

Post after two weeks."

Thereafter, an additional report has been filed stating that A2 herself surrendered before the X Additional Chief Metropolitan Magistrate, Secunderabad and obtained conditional bail on 13.06.2007 and A3 is still absconding and all efforts are going on to trace A3 in both crimes but no clues are forthcoming about A3. It is further stated that the respondents would take all possible steps in arresting A3 and produce her before the concerned Court.

6. Though no specific particulars have been furnished with regard to the steps taken by the third respondent to trace out A3 from 02.04.2007 till date, in view of the additional report and assurance given by him that all possible steps will be taken to arrest A3 and produce her before the concerned Court, I am of the opinion that no further orders need be passed in the writ petition.

The writ petition is accordingly disposed of with a liberty to the petitioners to file fresh writ petition as and when there is undue delay and negligence on the part of the respondents in completing the investigation by arresting the concerned. There shall be no order as to costs.

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V. ESWARAIAH, J

June 26, 2007
DSK